

REMARKS

At the outset, the Examiner is thanked for considering the pending application. The Office Action dated July 27, 2006 has been received and its contents carefully reviewed.

Claims 1, 8, 10, and 12 are hereby amended. No new matter has been added. Accordingly, claims 1-16 are currently pending. Reconsideration of the pending claims is respectfully requested.

Initially, Applicants thank the Examiner for indicating the elected species is allowable. Applicants also thank the Examiner for the courtesy extended over the telephone conference held on September 8, 2006. During the telephone conversation the Examiner clarified the progression the Examiner is undertaking to consider all the various species the Examiner has identified in the pending claims. According to the interview, the Examiner will consider each species in turn and automatically move from one to the next once the Examiner determines that the species under consideration is allowable. Additionally, in progressing through the examination, the Examiner also indicated that the first time a new species is rejected, the Office Action will be a non-final action.

The Office Action rejects claims 8, 9, and 12 under 35 U.S.C. 112, second paragraph, as being indefinite for containing the language "and the like". Claims 8 and 12 have been amended accordingly. Additionally, claims 1, and 10 have also been amended for the same reason. As such, Applicants respectfully request withdrawal of this rejection.

The Office Action also rejects claims 8, 9, and 12, under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,780,529 to Kimura ("Kimura"). To anticipate a claim, the prior art reference must teach each and every element of the claim. Kimura fails to teach all the elements of claims 8, 9, and 12 and thus cannot anticipate these claims.


Amended claims 8 and 12 recite, *inter alia*, "R₅ and R₆ are non-purine containing substituents." Kimura fails to teach at least this limitation. In fact, Kimura teaches the exact opposite, i.e. "at least one of the one or more organic layers comprises a compound having a purine skeleton." See Kimura, col. 2, ll. 46-49. The compound cited on page 4 of the Office Action includes purine substituents at the corresponding R₅ and R₆ of the claims in the instant application. Accordingly, Kimura does not and cannot anticipate the present invention. Claim 9 depends on claim 8 and thus is allowable over Kimura for at least the same reasons as claim 8. As such Applicants respectfully request withdrawal of this rejection.

The application is in condition for allowance and early, favorable action is respectfully solicited. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

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Respectfully submitted,

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